

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

RICHARD WAYNE WRIGHT, SR.,
AIS #187140,

Plaintiff,

V.

CIVIL ACTION NO. 2:05-CV-439-A

SYLVESTER NETTLES, et al.,

Defendants.

ORDER

In his complaint, the plaintiff names Dr. Hammer, Dr. Smith, Mrs. Biven-Tutt, Keith Armagost, Timothy Holmes and Walton Solomon as defendants in this cause of action. Service was attempted but unperfected on these individuals because they were not at the address provided by the plaintiff. The plaintiff is advised that neither counsel for Prison Health Services, Inc. ["PHS"] nor anyone now employed by the prison medical care provider is authorized to accept service on behalf of these persons. Additionally, this court cannot require counsel nor any employee of PHS to provide the plaintiff with an address for the defendants on whom service has not been perfected as these individuals are no longer employed by PHS. If a person has not been served, he/she is not a party to this lawsuit except in very unusual circumstances. Consequently, in order to maintain litigation against Dr. Hammer, Dr. Smith, Mrs. Biven-Tutt, Keith Armagost, Timothy Holmes and Walton Solomon, the plaintiff must obtain and furnish the clerk's office with correct addresses for

these individuals.

Accordingly, it is

ORDERED that on or before October 3, 2005 the plaintiff shall furnish the clerk's office with the correct addresses of Dr. Hammer, Dr. Smith, Mrs. Biven-Tutt, Keith Armagost, Timothy Holmes and Walton Solomon. The plaintiff is advised that the court will not continue to monitor this case to ensure that the defendants he wishes to sue have been served. This is the plaintiff's responsibility. The plaintiff is cautioned that if service is not perfected on Dr. Hammer, Dr. Smith, Mrs. Biven-Tutt, Keith Armagost, Timothy Holmes and Walton Solomon these individuals will not be considered parties to this cause of action, the court will on its own initiative dismiss the claims against Dr. Hammer, Dr. Smith, Mrs. Biven-Tutt, Keith Armagost, Timothy Holmes and Walton Solomon, and this case will proceed against only those defendants on whom service has been perfected. See Rule 4(m), Federal Rules of Civil Procedure.

Done this 14th day of September, 2005.

/s/Charles S. Coody
CHARLES S. COODY
CHIEF UNITED STATES MAGISTRATE JUDGE